

122/130

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT TRANSMITTAL FORM

Applicant: Chomik et al.

Serial No.: 10/032,693

Filed: January 2, 2002

For: ODOR CONTROL CASSETTE

Art Unit: 3728

Examiner: Not Yet Assigned

Confirmation No.: 5356

Attorney Docket No.: 460.2118USU

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10-032693

COMMISSIONER FOR PATENTS
Washington, D.C. 20231

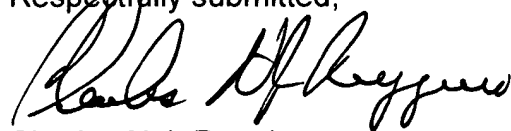
Dear Sir:

Transmitted herewith is:

1. Petition for Retroactive Foreign Filing License with
 - a) copy of the January 25, 2002 filing receipt; and
 - b) application as filed with the Canadian Patent Office.;
2. Verified Statement of Charles N.J. Ruggiero;
3. Firm Check for \$130;
4. Transmittal letter in duplicate; and
5. Postcard.

Please charge any additional fees or credit any such fees, if necessary to Deposit Account No. 01-0467 in the name of Ohlandt, Greeley, Ruggiero & Perle. A duplicate copy of this sheet is attached.

Respectfully submitted,



Charles N.J. Ruggiero
Reg. No. 28,468
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
One Landmark Square, 10th Floor
Stamford, Connecticut 06901-2682
(203) 327-4500

05/17/2002
Date: April 8, 2002
01 70 000 000.00 00

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE U.S. POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231, ON April 8, 2002.

Joanne A. Romaniello
NAME



SIGNATURE

4/8/02
DATE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Chomik et al.
Serial No: 10/032,693
Filed: January 2, 2002
Title: ODOR CONTROL CASSETTE
Art Unit: 3728

Docket No.: 460.2118USU

Assistant Commissioner for Patents
Washington, DC 20231

ATTENTION: Licensing and Review

PETITION FOR RETROACTIVE FOREIGN FILING LICENSE

Dear Sir:

1. Petition

It is respectfully requested that a license for foreign filing be granted retroactively under the provisions of 37 CFR 5.25.

2. Previous Licenses

☒ applicable ☐ not applicable

Attached is a copy of the filing receipt license issued on January 25, 2002.

3. Material Filed Abroad Without a License

Attached is a copy of the material that was filed abroad without a license for foreign filing.

3. Identification of Inventors, Title of Invention and, Details of Corresponding U.S. Application

Inventors: Jeffrey Brown, Richard S. Chomik, Mark Yoho
Title of Invention: ODOR CONTROL CASSETTE
Serial No: 10/032,693
Filed: January 2, 2002
Art Unit: 3728

4. **Foreign Countries and Dates of Filing of Material for which Retroactive License is Requested (37 CFR 5.25(a)(1)).**

With respect to the material for which a retroactive license is requested, the foreign country in which the patent application material was filed and the date it was filed is as follows:

<u>Foreign Country</u>	<u>Date</u>
Canada	January 2, 2002

6. **Verified Statement**

Also attached hereto is the verified statement of:
Charles N.J. Ruggiero, Esq.

which confirms that, in accordance with 37 CFR 5.25(a)(3)(i)-(iii),

(a) the subject matter in question was not under a secrecy order at the time it was filed abroad, and that it is not currently under a secrecy order;

(b) the license is being diligently sought after discovery of the proscribed foreign filing; and

(c) an explanation of why the material was filed abroad through error and without deceptive intent without the required license under § 5.11 first having been obtained.

7. **Fee**

The fee of \$130.00 for this petition for retroactive license is paid by check, attached.

Respectfully submitted,

Date: April 8, 2002 By: Charles N.J. Ruggiero

Charles N.J. Ruggiero
Reg. No. 28,468
Attorney for Applicants
Ohlandt, Greeley, Ruggiero
& Perle, L.L.P.
One Landmark Square, 10th Floor
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Tel: 203-327-4500
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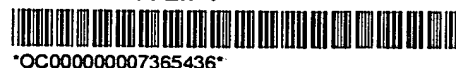
UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FILE FEE REC'D	ATTY. DOCKET NO.	DRAWINGS	TOTAL CLAIMS	IND. CLAIMS
10/032,693	01/02/2002	3728	0.00	460.2118USU	2	26	2

CONFIRMATION NO. 5356

FILING RECEIPT



Charles N.J. Ruggiero, Esq.
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
10th Floor
One Landmark Square
Stamford, CT 06901-2682

Date Mailed: 01/25/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Jeffrey Brown, Residence Not Provided;
Richard S. Chomik, Residence Not Provided;
Mark Yoho, Residence Not Provided;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted 01/25/2002

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

Title

Odor control cassette

Preliminary Class

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FEB 01 2002

OHLANDT, GREELEY,
RUGGIERO & PERLE

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Chomik et al.
Serial No: 10/032,693
Filed: January 2, 2002
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Docket No.: 460.2118USU
Art Unit: 3728

Assistant Commissioner for Patents
Washington, DC 20231
ATTENTION: Licensing and Review

VERIFIED STATEMENT

Dear Sirs:

The practitioner hereby confirms that the above-referenced material was filed in Canada on January 2, 2002 without a foreign filing license through error and without deceptive intent.

The practitioner is aware of the duty to seek a foreign filing license prior to filing an application for patent in any foreign country. However, through error and without deceptive intent, the above-referenced material was filed in Canada without the required license first having been obtained.

The circumstances surrounding the erroneous Canadian filing was caused by late notification by the inventors of a January 2, 2002 statutory bar date. The practitioner was notified of the bar date on January 2, 2002. Amid the rush

to file in the U.S. and Canada prior to the expiration of the bar date, the required foreign filing license was inadvertently overlooked.

This petition for retroactive filing license is being sought diligently after discovery of the error.

The practitioner hereby confirms that, in accordance with 37 CFR 5.25(a)(3)(i)-(iii),

(a) the subject matter in question was not under a secrecy order at the time it was filed abroad, and that it is not currently under a secrecy order;

(b) the license is being diligently sought after discovery of the proscribed foreign filing; and

(c) an explanation of why the material was filed abroad through error and without deceptive intent without the required license under § 5.11 first having been obtained.

Respectfully submitted,

Date: April 8, 2002 By: 

Charles N.J. Ruggiero
Reg. No. 28,468
Attorney for Applicants
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& Perle, L.L.P.
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